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BEFORE THE ARIZONA CORPORATION COMMISSION

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IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR
APPROVAL OF ITS 2016 RENEWABLE
ENERGY STANDARD IMPLEMENTATION
PLAN.

DOCKET NO. E-01933A-15-0239

**SUPPLEMENTAL RESPONSE IN
OPPOSITION TO EFCA'S
MOTION FOR PROCEDURAL
CONFERENCE**

Tucson Electric Power Company ("TEP" or the "Company"), through undersigned counsel, hereby supplements its November 23, 2015 Response in Opposition to the Motion for Procedural Conference ("Motion") filed by The Energy Freedom Coalition of America ("EFCA"). TEP submits that it is premature to conduct the requested procedural conference. Indeed, EFCA's Motion effectively seeks to preempt the Commissioners' ability to decide whether an evidentiary hearing should be conducted on an element of TEP's 2016 REST Implementation Plan ("2016 Plan").

The appropriate and most efficient process is to proceed in accordance with standard Commission practice regarding proposed REST Plans under the REST rules as follows:

1. Staff should docket its Staff Report and proposed order regarding the 2016 Plan;
2. All parties can then file comments or exceptions to the proposed order whereby EFCA can submit the same concerns it expressed in the Motion, including its request for an evidentiary hearing on the Utility-Owned Distributed Generation Program; and
3. The Commission will then consider the proposed order (and exceptions thereto) at Open Meeting and approve, amend or deny some or all of the proposed order. As part of this consideration, the Commission can determine whether it believes an evidentiary hearing is necessary on certain elements of the 2016 Plan.

1 As TEP noted in its Response, under the REST Rules, any evidentiary hearing concerning a
2 REST Plan is discretionary. The REST Rules certainly do not require an evidentiary hearing. Rather,
3 the REST Rules expressly state only that “The Commission *may* hold a hearing to determine whether
4 an Affected Utility’s implementation plan satisfies the requirements of these rules.” A.A.C. R14-2-
5 1813.C (emphasis added). The standard process set forth above does not substitute the Hearing
6 Division’s discretion for the Commission’s discretion in determining whether an evidentiary hearing
7 is necessary or appropriate. To the contrary, this process is consistent with prior Commission
8 proceedings and due process principles where, after consideration of a proposed order and comments
9 at Open Meeting, the Commission decides that more information is needed and refers the matter to
10 the Hearing Division for an evidentiary hearing.¹

11 The standard process also provides that the noncontroversial elements of the 2016 Plan can be
12 timely approved and implemented, even if the Commission decides that an evidentiary hearing is
13 necessary and appropriate on the expansion of Utility-Owned Distributed Generation Program. This
14 mitigates the Company’s concern that EFCA’s eleventh hour Motion will cause undue delay in the
15 Commission’s consideration of TEP’s entire 2016 Plan. Delaying consideration of the 2016 Plan is
16 not in the public interest and may, for example, interfere with the Company’s ability to fund existing
17 REST obligations or provide new interconnections.

18 Moreover, in Staff’s response to the Motion filed on November 24, 2015, Staff suggested that
19 the matter of TEP’s Utility-Owned Distributed Generation Programs could possibly be considered in
20 TEP’s pending rate case so that the remainder of Plan could be considered by the Commission on its
21 own track. The Company believes that such a proposal would ultimately need to be ordered by the
22 Commission. Therefore, the Commission should consider any such suggestion pursuant to the
23 standard REST procedure as discussed above to avoid even further delay.²

25 ¹ For example, see Docket No.E-01933A-11-0055, *In the matter of the application of Tucson Electric Power*
26 *Company for approval of its 2011-2012 Energy Efficiency Implementation Plan*.

27 ² It should be noted that if such a suggestion was adopted, it would result in an **additional 12 month delay** of
the Commission’s consideration of this issue. As the Company believes that EFCA’s untimely Motion is for
the purpose of delay, the Commission would be rewarding EFCA’s conduct that could have the unintended

1 Wherefore, TEP requests that the Hearing Division issue a procedural order denying EFCA's
2 Motion requesting a procedural conference and requiring Staff to docket the Staff Report and
3 proposed order concerning TEP's 2016 Plan upon completion, consistent with standard REST
4 procedure and due process.

5 RESPECTFULLY SUBMITTED this 25th day of November 2015.

6
7 TUCSON ELECTRIC POWER COMPANY

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22 Original and 13 copies of the foregoing
23 filed this 25th day of November, 2015, with:

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consequence of potentially creating a precedent that will undermine the Commission's ability to timely process applications in the future and create procedural uncertainty.

1 Copies of the foregoing hand-delivered/mailed
2 this 25th day of November, 2015, to the following:

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